

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RICHARD ALLEN SPARKS, JR.,

Plaintiff,

v.

Case No. 2:13-cv-19
HON. GORDON J. QUIST

UNKNOWN C/O BROMMENSCHENKLE,

Defendant.

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REPORT AND RECOMMENDATION

Plaintiff Richard Allen Sparks, Jr., currently an inmate at the Ionia Correctional Facility, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against defendant Unknown Corrections Officer Brommenschinkle. Plaintiff claims that Defendant Brommenschinkle is no longer employed with the MDOC. Defendant Brommenschinkle is currently representing himself in this matter. On May 15, 2013, Defendant Jason Brommenschinkle filed “Defendant’s Answer, Affirmative Defenses, Motion to Dismiss and Request For Extension of Time For Representation” (Docket #8). A Report and Recommendation was issued on January 15, 2014, recommending that defendant’s motion be denied (Docket #10). No objections were filed by either party and on February 12, 2014, the Court issued an Order Adopting Report and Recommendation (Docket #12). Thereafter, on March 6, 2014, the Court issued an order stating:

On February 12, 2014, this Court issued an Order Adopting Report and Recommendation. Defendant’s copy of the order was returned to this Court marked “Return to Sender, Unclaimed, Unable to Forward.” As of this date, defendant has not provided the Court with a current address.

IT IS ORDERED that any requests for entry of default shall be filed within 28 days of the date of this order.

See Order, Docket #14.

More than 28 days have elapsed and no request for an entry of default has been made, nor have any other pleadings been filed in this matter. Therefore, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for lack of prosecution. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: May 2, 2014